

**BOARD OF APPEALS
for
MONTGOMERY COUNTY**

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www.montgomerycountymd.gov/content/council/boa/board.asp

Case No. S-2675

PETITION OF ERNIE C. AND JANE G. WILLIAMS

OPINION OF THE BOARD

(Opinion Adopted September 27, 2006)

(Effective Date of Opinion: October 27, 2006)

Case No. S-2675 is an application, pursuant to Section 59-G-2.00 of the Zoning Ordinance, to permit an accessory apartment. The Hearing Examiner for Montgomery County held a hearing on the application on August 11, 2006, and on September 18, 2006, issued a Report and Recommendation for approval of the special exception.

Decision of the Board: Special Exception **granted**, subject to
the conditions enumerated below.

The subject property is Lot 21, Brookeville Knolls Subdivision, located at 3418 Briars Road, Brookeville, Maryland, 20833, in the R-200 Zone

The Board of Appeals considered the Hearing Examiner's Report and Recommendation at its Worksession on September 27, 2006. After careful consideration and review of the record in the case, the Board adopts the Report and Recommendation and grants the special exception, subject to the following conditions:

1. Petitioners are bound by their testimony and exhibits of record, to the extent that such testimony and evidence are identified in the Board's Opinion and in the Hearing Examiner's Report and Recommendation.
2. The accessory apartment may be inhabited by no more than two unrelated persons, or a family of no more than four persons.

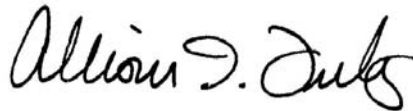
3. Per Code § 59-G-2.00(b)(1), Petitioner must occupy one of the dwelling units on the subject property.

4. Per Code § 59-G-2.00(b)(3), Petitioner must not receive compensation for more than one dwelling unit on the subject property.

5. Petitioners must obtain and satisfy the requirements of all licenses and permits, including but not limited to building permits and use and occupancy permits, necessary to occupy the special exception premises and operate the special exception as granted herein. Petitioners shall at all times ensure that the special exception use and premises comply with all applicable codes (including but not limited to building, life safety and handicapped accessibility requirements), regulations, directives and other governmental requirements.

On a motion by Donna L. Barron, seconded by Caryn L. Hines, with Angelo M. Caputo, Wendell M. Holloway and Allison Ishihara Fultz, Chair, in agreement, the Board adopted the following Resolution:

BE IT RESOLVED by the Board of Appeals for Montgomery County, Maryland that the opinion stated above is adopted as the Resolution required by law as its decision on the above-entitled petition.



Allison Ishihara Fultz
Chair, Montgomery County Board of Appeals

Entered in the Opinion Book
of the Board of Appeals for
Montgomery County, Maryland
this 27th day of October, 2006.

Katherine Freeman
Executive Director

NOTE:

Any request for rehearing or reconsideration must be filed within fifteen (15) days after the date the Opinion is mailed and entered in the Opinion Book (See Section

59-A-4.63 of the County Code). Please see the Board's Rules of Procedure for specific instructions for requesting reconsideration.

Any decision by the County Board of Appeals may, within thirty (30) days after the decision is rendered, be appealed by any person aggrieved by the decision of the Board and a party to the proceeding before it, to the Circuit Court for Montgomery County, in accordance with the Maryland Rules of Procedure.